



HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Plaintiff,	§	
vs.	§	Adv. Proc. No. 21-03005-sgj
NEXPOINT ADVISORS, L.P., JAMES	§	
DONDERO, NANCY DONDERO, AND	§	Case No. 3:21-cv-00881-X
THE DUGABOY INVESTMENT TRUST,	§	
Defendants.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Plaintiff,	§	
vs.	§	Adv. Proc. No. 21-03006-sgj
HIGHLAND CAPITAL MANAGEMENT	§	
SERVICES, INC., JAMES DONDERO,	§	Case No. 3:21-cv-00881-X
NANCY DONDERO, AND THE DUGABOY	§	
INVESTMENT TRUST,	§	
Defendants.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Plaintiff,	§	
vs.	§	Adv. Proc. No. 21-03007-sgj
HCRE PARTNERS, LLC (n/k/a NexPoint	§	
Real Estate Partners, LLC), JAMES	§	Case No. 3:21-cv-00881-X
DONDERO, NANCY DONDERO, AND	§	
THE DUGABOY INVESTMENT TRUST,	§	
Defendants.	§	

**APPENDIX IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION TO STRIKE  
APPENDIX IN SUPPORT OF PLAINTIFF'S REPLY MEMORANDUM  
OF LAW IN FURTHER SUPPORT OF ITS MOTION FOR PARTIAL  
SUMMARY JUDGMENT AGAINST THE ALLEGED AGREEMENT DEFENDANTS**

<u>Ex.</u>	<u>Description</u>	<u>Appx.#</u>
1.	Declaration of Hayley R. Winograd in Support of Opposition to Defendants' Motion to Strike Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of Its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants	1-7

Dated: March 18, 2022

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (CA Bar No. 143717)  
 John A. Morris (NY Bar No. 266326)  
 Gregory V. Demo (NY Bar No. 5371992)  
 Hayley R. Winograd (NY Bar No. 5612569)  
 10100 Santa Monica Blvd., 13th Floor  
 Los Angeles, CA 90067  
 Telephone: (310) 277-6910  
 Facsimile: (310) 201-0760  
 Email: jpomerantz@pszjlaw.com  
 jmorris@pszjlaw.com  
 gdemo@pszjlaw.com  
 hwinograd@pszjlaw.com

-and-

**HAYWARD PLLC**

/s/ Zachery Z. Annable

---

Melissa S. Hayward (Texas Bar No. 24044908)  
 Zachery Z. Annable (Texas Bar No. 24053075)  
 10501 N. Central Expy, Ste. 106  
 Dallas, Texas 75231  
 Telephone: (972) 755-7100  
 Facsimile: (972) 755-7110  
 Email: MHayward@HaywardFirm.com  
 ZAnnable@HaywardFirm.com

*Counsel for Highland Capital Management, L.P.*

Jeffrey N. Pomerantz (CA Bar No. 143717)

Gregory V. Demo (NY Bar No. 53719)

10100 Santa Monica Blvd., 13th Floor

Telephone: (310) 277-69

Email: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)

gdemo@pszjlaw.com

### Conclusions

Melissa S. Hayward (Texas Bar No. 24044908)

10501 N. Central Expy., Ste. 106

Telephone: (972) 755-7100

Email: [MHayward@HaywardFirm.com](mailto:MHayward@HaywardFirm.com)

*Counsel for Highland Capital Management, L.P.*

**Appx. 00001**

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

NEXPOINT ADVISORS, L.P., JAMES  
DONDERO, NANCY DONDERO, AND  
THE DUGABOY INVESTMENT TRUST,

Defendants.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT  
SERVICES, INC., JAMES DONDERO,  
NANCY DONDERO, AND THE DUGABOY  
INVESTMENT TRUST,

Defendants.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST.

Defendants.

**DECLARATION OF HAYLEY R. WINOGRAD IN SUPPORT OF OPPOSITION TO  
DEFENDANT’S MOTION TO STRIKE APPENDIX IN SUPPORT OF REPLY  
MEMORANDUM OF LAW IN FURTHER SUPPORT OF MOTION FOR PARTIAL  
SUMMARY JUDGMENT AGAINST THE ALLEGED AGREEMENT DEFENDANTS**

I, Hayley R. Winograd, pursuant to 28 U.S.C. § 1746, under penalty of perjury, declare as follows:

1. I am an attorney in the law firm of Pachulski, Stang, Ziehl & Jones LLP, counsel to Highland Capital Management, L.P., the reorganized debtor in the above-captioned chapter 11 case and plaintiff in the above-referenced adversary proceedings, and I submit this Declaration in support of *Opposition to Defendant's Motion to Strike Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants* (the "Opposition"). I submit this Declaration based on my personal knowledge and review of the documents listed below.

2. Plaintiff produced to HCMS the HCMS Amortization Schedule on June 9, 2021. Attached as **Exhibit A** is a true and correct copy of the email transmitting the document production.

Dated: March 18, 2022

/s/ Hayley R. Winograd  
Hayley R. Winograd

## **EXHIBIT A**

**From:** "Hayley R. Winograd" <[hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)>  
**Date:** Wed Jun 09 22:25:46 EDT 2021  
**To:** "'Lauren Drawhorn'" <[lauren.drawhorn@wickphillips.com](mailto:lauren.drawhorn@wickphillips.com)>, "Jason Rudd" <[jason.rudd@wickphillips.com](mailto:jason.rudd@wickphillips.com)>  
**Cc:** "John A. Morris" <[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)>  
**Subject:** FW: HCMLP Document Production to HCMS Adv. Proc. 21-3006

Lauren and Jason,

Below please find the link and password to the Debtor's production in response to Highland Capital Management Services, Inc.'s First Set of Discovery Requests.

We will send a supplemental production in a separate email.

Thanks,

Hayley

**Hayley R. Winograd**  
Pachulski Stang Ziehl & Jones LLP  
Tel: 212.561.7700 | Fax: 212.561.7777  
[hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)



Los Angeles | San Francisco | Wilmington, DE | New York | Houston

Password: LKJ\*57=

HCMS000001 - HCMS000519





Pachulski IT has shared 7 files.



7 files • 20.1 MB total • Expires 06/23/2021

HCMS RFP No. 1.zip

ZIP

2.4 MB

HCMS RFP No. 13.zip

ZIP

3 MB

HCMS RFP No. 23.zip

ZIP

6.7 MB

<div></div>	HCMS RFP No. 4.zip	4.5 MB
ZIP		

---

<div></div>	HCMS RFP No. 7.zip	1.1 MB
ZIP		

---

+ 2 MORE

[VIEW ALL FILES](#)

Share large files securely through Hightail. [Sign up](#) for a free account.

[Terms](#) | [Privacy](#)

Powered By [Hightail](#)